UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,696	09/21/1999	KEHSING J. CHOU	ST9-99-093	2558

7590 07/14/2004

SUGHRUE MION ZINN MACKEAK & SEAS
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20037-3213

EXAMINER
PHAM, HUNG Q

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.
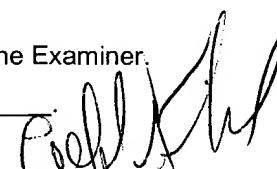
   Claim(s) rejected: *1-24*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

BEST AVAILABLE COPY

ALFORD KINDRED
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Examiner did not equate the user definable scope of a query with the load of a server as argued by applicant in the Request for Reconsideration filed on 06/03/2004. The claimed server as recited in claim 1 is equated with Chang query object 14-19, which can prepare and execute the query as discussed in the final Office Action. As disclosed by Chang, the execute method 41 may take a queryable collection 5 as an input parameter to limit the scope of the query 14-19 or server (Col. 8, line 66-Col. 9, line 9). Queryable collection object 5 also includes the "evaluate" method 39 for evaluating the next query, and so on. The subsequent query evaluated by a queryable collection must match or be consistent with the member of the queryable collection. Otherwise, an exception is thrown (Col. 8, lines 47-52). As seen, query objects 14-19 that respond to the query as a plurality of servers that connect to datastore 9 as one or more heterogeneous datastores to process a query as a request. The loaded queries into query objects 14-19 as servers will be balanced out by queryable collection 5, and each query object or server will have a scope or a load based on the input parameter set up by queryable collection 5 to execute a specific query, and evaluate method 39 to evaluate the subsequent query for matching, or being consistent as condition of satisfaction, and a query object within query objects 14-19 is selected to process the request as in FIG. 5. In other words, the technique as discussed indicates the step of selecting a server to process the request based on a load of the server and based on whether the server can satisfy the request for data, said server connected to one or more heterogeneous datastores. Thus, a query object or server will process a particular kind of queries based on the queryable collection as discussed above (the subsequent query evaluated by a queryable collection must match or be consistent with the member of the queryable collection), and not many queries, each with varying scopes as argued by applicant.